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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,402	09/29/2005	Leslie Donald Selsdon	GJ-267J	4464

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260 Bear Hill Road
Waltham, MA 02451-1018

EXAMINER

FORTUNA, ANA M

ART UNIT	PAPER NUMBER
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1723

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,402

Applicant(s)

SELSDON, LESLIE DONALD

Examiner

Ana M. Fortuna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/29/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, the term "absorbing water in the liquid" is unclear as to whether "absorbing water in the foam material" is intended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 84/00901 (hereinafter WO901). Reference WO901 discloses a filter material formed from foamed plastic and having water absorbing properties (page 1, lines 11-28). Providing the filter in a casing (body) containing compressed foam is further disclosed (page 1, lines 6-18, page 2, lines 11-14). The inlet and outlet are not shown but are inherent part of the casing or housing to allow passage of the fluid (gas) that is not retained or absorbed by the foam material. As to claim 2, the foam material is disclosed as polymeric (see page 4, claim 3). The foam material formed into pieces (particles) is discussed in the reference (page 2, lines 15-17).

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2. Claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/56871 (hereinafter WO871). Reference '871 teaches the claimed filter limitation of claims 1, and 3, e.g. a body or housing (50), inlet and outlet (44, 41), and a filter including a foam material (10) (Fig. 3). The foam material is how in Fig. 2, element (23). The foam material is a super-absorbent polymer medium is capable of absorbing water from a fluid (abstract, page 1, first paragraph, and lines 29-32 through page 2, line 6; page 2, last paragraph; page 3, line 30 through page 4, line 3; page 8, lines 20-23).

As to claim 5, the foam medium is part of a pleated cartridge (Fig. 2, and Fig. 3).

As to claim 6, WO871 teaches replacing the filter components when they are fouled, spent or damaged (page 15, lines 24-32).

As to claim 2, the absorbent medium is further disclosed as being woven or non-woven configuration (page 8, lines 21-25).

As per claims 7-13, the cartridge includes a support member underlying the absorbent (elements 24); and an upper support member (22, 21). The support members include open meshes and screens (page 11, lines 8-34). The absorbent foam is formed into a sheet that is optionally pleated, or can have a rectangular or other configuration (page 14, last paragraph).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over by WO 99/56871 (hereinafter WO871) in view of Gruca (US 6,645,373). The valves and screw connections of claims 14-16 are not disclosed in WO871, discussed above.

Connecting valves to a fuel filter including absorbent material is conventional in the art to control back flow in the system, and is disclosed in patent '373 (elements 16, 14, 20, 18), where the valves are in communication with conduits connected to the fuel filter (Fig. 1, abstract). Connecting the conduits to the filter by threading connection is not specifically recited, however, treating parts in the system is disclosed (column 2, last paragraph). It would have been obvious to one skilled in the art at the time this invention was made to load the filter of WO871 to conventional fuel filtering system including the valves and pipe connections as disclosed in patent '373. Using threaded connections, or alternative welded or male female connections to seal the circuit would have been obvious to one skilled in the art at the time this invention was made.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References US 4,274,960, and US 4,061,573 teach foam filter disposed within a housing, however, the material is not water absorbent.

Information Disclosure Statement

6. The information disclosure statement filed 9/29/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each

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non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

A copy of the foreign references are provided and considered by the Examiner, except for reference WO 03/022398, which number appears to be incorrect. A copy of the later reference is requested.

A copy of a sign 1449 is attached for your record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana M. Fortuna whose telephone number is (571) 272-1141. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ana M Fortuna
Primary Examiner
Art Unit 1723

/Ana Fortuna/
Primary Examiner, A. U. 1723